

The Honorable Barbara J. Rothstein

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

ASSURED PARTNERS OF WASHINGTON
LLC,

Plaintiff,

v.

MARK ACARREGUI, ALLIANT
INSURANCE SERVICES INC., and JO-ANN
PABALATE

Defendants.

NO. 2:20-cv-00290 BJR

**STIPULATED MOTION AND
THIRD AMENDED ORDER
REGARDING EXPEDITED
DISCOVERY AND PRELIMINARY
INJUNCTION BRIEFING;
AMENDED ORDER REGARDING
RESPONSES TO AMENDED
COMPLAINT, REPLY
REGARDING MOTION FOR AN
ORDER TO SHOW CAUSE, AND
INITIAL DISCLOSURES**

Plaintiff AssuredPartners of Washington LLC (“Assured”), Defendant Mark Acarregui (“Acarregui”), Defendant Alliant Insurance Services Inc. (“Alliant”), and Defendant Jo-Ann Pabalate (“Pabalate”), having agreed to extend all upcoming deadlines by one week to facilitate ongoing settlement negotiations, jointly request that this Court enter an order as follows:

- (1) Remaining expedited discovery and briefing related to Assured’s motion for a preliminary injunction shall proceed according to the amended schedule set forth in Exhibit A.

STIPULATED MOTION AND THIRD AMENDED
ORDER REGARDING EXPEDITED DISCOVERY
AND PRELIMINARY INJUNCTION BRIEFING;
OTHER DEADLINES - 1
(CASE NO. 2:20-CV-00290-BJR)

BYRNES • KELLER • CROMWELL LLP
38TH FLOOR
1000 SECOND AVENUE
SEATTLE, WASHINGTON 98104
(206) 622-2000

- (2) The temporary restraining orders with respect to Acarregui (Dkt. No. 15) and Pabalate (Dkt. No. 45) shall continue in full force and effect until the Court rules on Assured's motion for a preliminary injunction, if such a motion is filed according to the briefing schedule set forth in Exhibit A. If no motion is filed according to that briefing schedule, the temporary restraining orders shall immediately dissolve unless further agreement is made by the parties or the temporary restraining order is continued by the Court for good cause.
- (3) Defendants' respective responses to the Amended Complaint for Injunctive and Other Relief (Dkt. No. 41) are to be filed on or before May 14, 2020.
- (4) Assured's reply to Acarregui's opposition to Assured's Amended Motion for an Order to Show Cause and Acarregui's response to Assured's Motion to Seal are to be filed on or before May 19, 2020.
- (5) The initial disclosure and joint status report schedule is modified as follows: Fed. R. Civ. P. 26(f) Conference Deadline is May 18, 2020; Initial Disclosure Deadline is May 25, 2020; Joint Status Report is due by June 1, 2020.

EXHIBIT A

Third Amended Schedule for Remaining Expedited Discovery & Preliminary Injunction Briefing [Prior Deadlines Noted Where Applicable]

Prior Deadline	New Deadline	Event
May 12, 2020	May 19, 2020	Time to complete depositions. Each deposition shall be limited to four hours of testimony each (without prejudice to a party's ability to complete any deposition after Plaintiff's application for a preliminary injunction, if any, is adjudicated). The parties may conduct the depositions by a mutually-acceptable web-based interface for remote depositions (e.g., TSG Reporting's LiveLitigation software).

Prior Deadline	New Deadline	Event
May 19, 2020	May 26, 2020	Plaintiff's deadline to file a motion for a preliminary injunction. Plaintiff shall file and serve its preliminary injunction papers by this date.
June 2, 2020	June 9, 2020	Defendants to oppose motion for a preliminary injunction. Defendants shall file and serve their opposition papers, if any, by this date.
June 9, 2020	June 16, 2020	Plaintiff's deadline to reply. Plaintiff shall file and serve any reply papers by this date.
June 12, 2020	June 19, 2020	Date of Hearing. Plaintiff shall note its motion for preliminary injunction for hearing on this date. The parties may appear by telephone for oral argument regarding Plaintiff's motion for preliminary injunction.

STIPULATED MOTION AND THIRD AMENDED
ORDER REGARDING EXPEDITED DISCOVERY
AND PRELIMINARY INJUNCTION BRIEFING;
OTHER DEADLINES - 3
(CASE NO. 2:20-CV-00290-BJR)

BYRNES • KELLER • CROMWELL LLP
38TH FLOOR
1000 SECOND AVENUE
SEATTLE, WASHINGTON 98104
(206) 622-2000

DATED this 7th day of May, 2020.

SEYFARTH SHAW LLP

BYRNES KELLER CROMWELL LLP

By /s/ Helen M. McFarland
Helen M. McFarland, WSBA #51012
800 Fifth Avenue, Suite 4100
Seattle, WA 98104
Phone: (206) 946-4910
Fax: (206) 260-8839
hmcfarland@seyfarth.com

By /s/ Keith D. Petrak
Keith D. Petrak, WSBA #19159

By /s/ Jacob A. Zuniga
Jacob A. Zuniga, WSBA #48458
1000 Second Avenue, 38th Floor
Seattle, WA 98104
Phone: (206) 622-2000
Fax: (206) 622-2522
Email: kpetrak@byrneskeller.com
jzuniga@byrneskeller.com

By /s/ J. Scott Humphrey
By /s/ Besma Fakhri
J. Scott Humphrey (admitted *pro hac vice*)
Besma Fakhri (admitted *pro hac vice*)
Seyfarth Shaw LLP
233 South Wacker Drive, Suite 8000
Chicago, IL 60606-6448
Phone: (312) 460-5000
Fax: (312) 460-7000
shumphrey@seyfarth.com
bfkakhri@seyfarth.com
Attorneys for Plaintiff

Debra L. Fischer (admitted *pro hac vice*)
Seth M. Gerber (admitted *pro hac vice*)
Adam E. Wagmeister (admitted *pro hac vice*)
Morgan Lewis & Bockius LLP
2049 Century Park East, Suite 700
Los Angeles, CA 90067-3109
Phone: (310) 907-1000
Debra.fischer@morganlewis.com
Seth.gerber@morganlewis.com
Adam.wagmeister@morganlewis.com
**Attorneys for Defendants Mark Acarregui
and Alliant Insurance Services, Inc.**

PREG, O'DONNELL & GILLETT PLLC

By /s/ Eric Gillett
Eric Peter Gillett, WSBA # 23691
Preg, O'Donnell & Gillett, PLLC
901 Fifth Avenue, Suite 3400
Seattle, WA 98164
Phone: (206) 287-1775
Fax: (206) 287-9113
egillett@pregodonnell.com
**Attorneys for Defendant
Jo-Ann Pabalate**

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED this 8th day of May 2020.



HONORABLE BARBARA J. ROTHSTEIN
UNITED STATES DISTRICT COURT JUDGE